



**In The United States Patent and Trademark Office**

Application Number: 10/825,728

Examiner: Piziali, Andrew T

Applicant(s): Frank Tien

Group Art Unit: 1771

Filing Date: 04/16/2004

Title: Breathable and Waterproof Lining Structure for Footwear and Garment

Date: 08/23/2006

**DECLARATION UNDER RULE 132**

Honorable Commissioner for Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

Sir:

I, Frank Tien, hereby attest as follows:

I am the sole-named inventor of the above-identified U.S. Patent Application Serial No. 10/825,728, entitled "Breathable and Waterproof Lining Structure for Footwear and Garment" (the '728 application).

**Commercial Success**

My company currently makes and sells a footwear embodying the subject of the '728 application. This footwear was introduced commercially throughout the United States. Over 1,537,886 pairs of footwear containing the structure of the instant invention have been sold in stores and the sale records are as follows:

- (1) Over 738,490 pairs of the instant invention were sold from May 01, 2004 to December 31, 2004.
- (2) Over 658,848 pairs of the instant invention were sold in the whole year of 2005.
- (3) Over 140,548 pairs of the instant invention were sold from January to June 2006.

The brands we used for all the boots that made with "Aquashield bootie" including "Cabela's", "Herman Survivors", "Drytrail", "Magellan", and "Brahma".

In my opinion, an important reason for the commercial success of the Breathable and Waterproof Lining Structure is the structural configuration which has been expressed in the '728 application. Therefore, the subject matter of the Breathable and Waterproof Lining Structure exhibits relative to others available in the market is an important reason for the commercial success of the Breathable and Waterproof Lining Structure.

All statements made of my own knowledge are true and all statements made on information and belief to be true. I acknowledge that willful false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. 1001 and may jeopardize the validity of the application or any patent issuing thereon.

By:   
Frank Tien

Date: 8-16-06